

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Lorraine Faxon Meisner

Serial No.: 10/614,768

Filed: July 8, 2003

Art Unit: Not yet assigned

Confirmation No: 8047

Examiner: Not yet assigned

For: TOPICAL COMPOSITION FOR THE TREATMENT OF PSORIASIS AND RELATED SKIN DISORDERS

**PETITION UNDER 37 C.F.R. § 1.182**

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

This petition under 37 C.F.R. § 1.182 is being filed in response to the Notice of Incomplete Nonprovisional Application issued for the above-specified application on October 24, 2003. A filing date was not granted as the application was deposited without drawings. The Notice also indicated that a newly executed oath or declaration covering the omitted items must be submitted.

Attached hereto is a Second Preliminary Amendment incorporating Figures 1A, 1B, 2A and 2B. Applicant respectfully petitions the that the omitted material contained in the prior application and submitted in the Second Preliminary Amendment filed concurrently herewith be

included in this continuation application, and that this application be accorded the filing date of July 8, 2003, the date of deposit of the continuation application. This request is based upon the incorporation by reference statement in Box 18 of the Utility Patent Application Transmittal that was filed with this new Continuation application. The drawings from the prior, parent application were inadvertently omitted when this continuation application was filed. Enclosed is a copy of Form PTO/SB/05 as filed with this continuation application with Box 18 checked.

Applicant respectfully traverses the requirement for a newly executed oath or declaration covering the inadvertently omitted drawings. The Declaration as filed with this application was newly signed for this application as the attorney of record had changed firms, however, in all other respects it was identical to the Declaration as filed for the parent of this application. A copy of the Declaration as filed for the parent application (U.S. Serial Number 10/185,388) is submitted herewith. As the figures submitted in the Second Preliminary Amendment are identical to those which were filed with the immediate parent, no new matter has been added and no new Declaration is required. . This request is also based upon the incorporation by reference statement in Box 18 of the Utility Patent Application Transmittal that was filed with this new Continuation application

In the event this petition is granted, Applicant further respectfully requests that both sheets of drawings be incorporated into the patent application and the file be sent to the Application Processing Division to revise the entry in the PALM system to reflect that this application has 2 sheets of drawings. MPEP § 605.04(g).

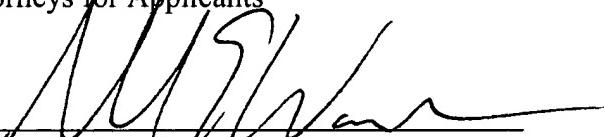
Filed concurrently with this Petition is a Response to the Notice of Incomplete Nonprovisional Application with the Second Preliminary Amendment containing the drawings, along with a new Change of Correspondence Address for this application.

The Petition Fee Under 1.17(h) in the amount of \$130.00 is attached. It is believed that no further fees are due. However, the Director is hereby authorized to debit Deposit Account No. 23-2426 of Winstead Sechrest & Minick P.C. if there are any further fees due under this paper.

Applicants respectfully request that Applicant's attorney be called at the below listed number if it is believed that such a discussion would be helpful in resolving any problems or questions.

Respectfully submitted,  
WINSTEAD SECHREST & MINICK P.C.  
Attorneys for Applicants

By:

  
Sanford E. Warren, Jr.  
Reg. No. 3933,219

Date: November 25, 2003

P.O. Box 50784  
400 North Ervay Street  
Dallas, Texas 75201  
Phone: 214.745.5710  
Fax: 214.745.5390

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41758-P002D1C1 11/25/2003

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

|                        |   |
|------------------------|---|
| Attorney Docket No.    | 121753.1007   |
| First Inventor         | Lorraine F. Meisner   |
| Title                  | Topical Composition for the Treatment of Psoriasis and Related Skin Disorders |
| Express Mail Label No. | ER302304335US   |

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

|             |   |
|-------------|---|
| ADDRESS TO: | Mail Stop Patent Application<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria VA 22313-1450 |
|-------------|---|

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br><i>(Submit an original and a duplicate for fee processing)</i>                                       | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)   |
| 2. <input checked="" type="checkbox"/> Applicant claims small entity status.<br><i>See 37 CFR 1.27.</i>   | 8. Nucleotide and/or Amino Acid Sequence Submission<br><i>(if applicable, all necessary)</i>  |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages 40]<br><i>(preferred arrangement set forth below)</i>   | a. <input type="checkbox"/> Computer Reader Form (CRF)  |
| - Descriptive title of the Invention  | b. Specification Sequence Listing on:   |
| - Cross Reference to Related Applications   | i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or   |
| - Statement Regarding Fed sponsored R & D   | ii. <input type="checkbox"/> Paper  |
| - Reference to sequence listing, a table, or a computer program listing appendix  | c. <input type="checkbox"/> Statements verifying identity of above copies   |
| - Background of the Invention   |   |
| - Brief Summary of the Invention  |   |
| - Brief Description of the Drawings (if filed)  |   |
| - Detailed Description  |   |
| - Claim(s)  |   |
| - Abstract of the Disclosure  |   |
| 4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets _____]   |   |
| 5. Oath or Declaration [Total Sheets 3]   |   |
| a. <input type="checkbox"/> Newly executed (original or copy)   | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))   |
| b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br><i>(for continuation/divisional with Box 18 completed)</i>                                   | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i>        |
| i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br><i>Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i> | 11. <input type="checkbox"/> English Translation Document (if applicable)   |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76   | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations                 |
|   | 13. <input checked="" type="checkbox"/> Preliminary Amendment   |
|   | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                        |
|   | 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i>                                |
|   | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. |
|   | 17. <input type="checkbox"/> Other: .....   |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation       Divisional       Continuation-in-part (CIP)      of prior application No.: 10/185388

Prior application information: Examiner Michelle C. Flood Art Unit: 1654  
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

|   |  |           |              |          |  |
|---|--|-----------|--------------|----------|--|
| <input type="checkbox"/> Customer Number: |  |           |              | OR       | <input checked="" type="checkbox"/> Correspondence address below |
| Name                                      | Ruben C. DeLeon  |           |              |          |  |
| Address                                   | Warren & Kennedy, L.L.P.<br>6565 N. MacArthur Blvd., Suite 910 |           |              |          |  |
| City                                      | Irving   | State     | TX           | Zip Code | 75039  |
| Country                                   | USA  | Telephone | 469-916-5319 | Fax      | 972-506-9827   |

|                   |   |                                   |              |
|-------------------|---|-----------------------------------|--------------|
| Name (Print/Type) | Ruben C. DeLeon   | Registration No. (Attorney/Agent) | 37,812       |
| Signature         |  | Date                              | July 2, 2003 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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O I P E  
DEC 8 1 2003  
P A T E N T & T R A D E M A R K S

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 10/614,768            |
| Filing Date          | July 8, 2003          |
| First Named Inventor | Lorrain Faxon Meisner |
| Examiner Name        | Not yet assigned      |
| Art Unit             | Not yet assigned      |
| Attorney Docket No.  | 41758-P002D1C1        |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

|                        |                                 |
|------------------------|---------------------------------|
| Deposit Account Number | 23-2426                         |
| Deposit Account Name   | Winstead Sechrest & Minick P.C. |

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity      | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description        | Fee Paid |
|-------------------|--------------|---------------|---------------|------------------------|----------|
| 1001              | 770          | 2001          | 385           | Utility filing fee     |          |
| 1002              | 340          | 2002          | 170           | Design filing fee      |          |
| 1003              | 530          | 2003          | 265           | Plant filing fee       |          |
| 1004              | 770          | 2004          | 385           | Reissue filing fee     |          |
| 1005              | 160          | 2005          | 80            | Provisional filing fee |          |
| SUBTOTAL (1) (\$) |              |               |               |                        |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
|              |                    |                    | -20** =      | X              | =        |
|              |                    |                    | -3** =       | X              | =        |
|              |                    |                    |              |                |          |

| Large Entity      | Small Entity | Fee Description   |
|-------------------|--------------|---|
| 1202              | 18           | 2202 9 Claims in excess of 20                                     |
| 1201              | 86           | 2201 43 Independent claims in excess of 3                         |
| 1203              | 290          | 2203 145 Multiple dependent claim, if not paid                    |
| 1204              | 86           | 2204 43 ** Reissue independent claims over original patent        |
| 1205              | 18           | 2205 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) |              |   |

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$)                     | Fee Code (\$) | Fee Description  | Fee Paid |
|-----------------------------------|---------------|--|----------|
| 1051                              | 130           | 2051 65 Surcharge - late filing fee or oath  |          |
| 1052                              | 50            | 2052 25 Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                              | 130           | 1053 130 Non-English specification   |          |
| 1812                              | 2,520         | 1812 2,520 For filing a request for ex parte reexamination                         |          |
| 1804                              | 920*          | 1804 920* Requesting publication of SIR prior to Examiner action                   |          |
| 1805                              | 1,840*        | 1805 1,840* Requesting publication of SIR after Examiner action                    |          |
| 1251                              | 110           | 2251 55 Extension for reply within first month                                     |          |
| 1252                              | 420           | 2252 210 Extension for reply within second month                                   |          |
| 1253                              | 950           | 2253 475 Extension for reply within third month                                    |          |
| 1254                              | 1,480         | 2254 740 Extension for reply within fourth month                                   |          |
| 1255                              | 2,010         | 2255 1,005 Extension for reply within fifth month                                  |          |
| 1401                              | 330           | 2401 165 Notice of Appeal  |          |
| 1402                              | 330           | 2402 165 Filing a brief in support of an appeal                                    |          |
| 1403                              | 290           | 2403 145 Request for oral hearing  |          |
| 1451                              | 1,510         | 1451 1,510 Petition to institute a public use proceeding                           |          |
| 1452                              | 110           | 2452 55 Petition to revive - unavoidable   |          |
| 1453                              | 1,330         | 2453 665 Petition to revive - unintentional  |          |
| 1501                              | 1,330         | 2501 665 Utility issue fee (or reissue)  |          |
| 1502                              | 480           | 2502 240 Design issue fee  |          |
| 1503                              | 640           | 2503 320 Plant issue fee   |          |
| 1460                              | 130           | 1460 130 Petitions to the Commissioner   |          |
| 1807                              | 50            | 1807 50 Processing fee under 37 CFR 1.17(q)  |          |
| 1806                              | 180           | 1806 180 Submission of Information Disclosure Stmt                                 |          |
| 8021                              | 40            | 8021 40 Recording each patent assignment per property (times number of properties) |          |
| 1809                              | 770           | 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))               |          |
| 1810                              | 770           | 2810 385 For each additional invention to be examined (37 CFR 1.129(b))            |          |
| 1801                              | 770           | 2801 385 Request for Continued Examination (RCE)                                   |          |
| 1802                              | 900           | 1802 900 Request for expedited examination of a design application                 |          |
| Other fee (specify) _____         |               |  |          |
| *Reduced by Basic Filing Fee Paid |               | SUBTOTAL (3) (\$ 130.00)   |          |

## SUBMITTED BY

(Complete if applicable)

|                   |                        |                                   |        |           |               |
|-------------------|------------------------|-----------------------------------|--------|-----------|---------------|
| Name (Print/Type) | Sanford E. Warren, Jr. | Registration No. (Attorney/Agent) | 33,219 | Telephone | 214.745.5710  |
| Signature         |                        |                                   |        | Date      | Nov. 25, 2003 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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